

Minutes of: CALIFORNIA STATE ATHLETIC COMMISSION

Meeting Specifics: Regular Commission Meeting
February 18, 2000 – 10:00am
Los Angeles – Embassy Suites - LAX South
1440 East Imperial Avenue
El Segundo, CA

1. CALL TO ORDER BY CHAIRMAN

Commissioners Present: Manuel “Cal” Soto, Chairman
Elmer Costa, Vice-Chairman
Don Novey
Alvin Ducheny

Commissioners Not Present: Andrew Kim

Staff Present: Rob Lynch, Executive Officer
Anita Scuri, DCA Legal Counsel
Earl Plowman, Deputy Attorney General – Licensing
Frank Munoz, Recording Secretary
Dean Lohuis, Chief Inspector
Sal Barajas, Assistant Chief Inspector
Leydis Church, Associate Governmental Program Analyst

2. COMMISSIONER INTRODUCTIONS

Vice-Chairman Soto introduced the commission’s two new appointed commissioners Mr. Don Novey and Mr. Alvin Ducheny.

Commissioner Novey asked everyone in attendance to stand for the Pledge of Allegiance. After the Pledge of Allegiance, Commissioner Novey stated that being a part of the commission was an honor since he came from a boxing family. He informed the commission that he was head of a major union and he also was president of the California Correctional Peace Officers’ Association. He stated that his major goal was to protect the pension benefits for professional boxers in California.

Commissioner Ducheny informed the commission that he resided in San Diego. He stated that his wife was Assemblyperson Denise Ducheny who chaired the Budget Committee. He added that he was very proud to have been appointed to this commission and he had already become acquainted with his fellow commissioners. He stated that he had a lot to learn about this commission but with the experience of his fellow commissioners they would help him learn.

3. APPROVAL OF DECEMBER 10, 1999 COMMISSION MEETING MINUTES

There were no corrections or changes.

Action: Motion by Commissioner Costa and seconded by Commissioner Novey to approve the December 10, 1999 minutes.

Vote: Unanimous

4. ELECTION OF OFFICERS

Vice-Chairman Soto stated that Pursuant to Business and Professions Code Section 18606, the commission must elect commission officers at their first meeting of the year.

Action I: Motion by Commissioner Novey seconded by Commissioner Costa to elect Vice-Chairman Soto as the Chairman of the commission.

Vote: Unanimous

Action II: Motion by Chairman Soto and seconded by Commissioner Novey to elect Commissioner Costa as the Vice-Chairman of the commission.

Vote: Unanimous

5. SUMMARY OF VICE-CHAIRMAN ACTIVITIES SINCE LAST MEETING

Chairman Soto informed the commission that he had several telephone conversations with Mr. Lynch in regard to mixed martial arts regulations and other general day-to-day issues pertaining to the commission. He stated outside of commission work, he had just returned from a 14-day trip from Italy and he was glad to be back at another commission meeting.

6. SUMMARY OF EXECUTIVE OFFICER ACTIVITIES SINCE LAST MEETING

Mr. Lynch stated that Ms. Church had been directing the effort of creating a web site for the commission so that the public could get general information on fighters, shows, etc. He informed the commission that the initial cost to start the web site would be \$7,000 with a yearly maintenance fee of \$1,500. With this web site, Mr. Lynch stated that hopefully this would eliminate the majority of phone calls received to allow staff more time to work on other projects.

At that point, Mr. Lynch asked Ms. Church if she had any information that she would like to share with the commission in regard to the web site. Ms. Church stated that she along with staff gathered information as to what should be included on the web site. With the information received, the Departments computer programmers started the process of creating the web site and gave an estimated time of late April early May for the web site to be up and running. She asked that the commission look over the paperwork that she had given them on the web site and if they had any changes and/or if they wanted to include more information to the web site to inform her so that she could make the necessary changes.

Promoter, Roy Englebrecht, asked that all fully licensed boxers be added on to the web site so that it would be easier for the promoter to access information instead of making many calls to find out information on boxers.

Mr. Plowman advised the commission that there were specific privacy limitations on medical information such as blood results that could not be included on the web site as per California Law. He stated that general licensing information would be fine.

Mr. Lynch updated the commission on the progress of the commission's database. He stated that Mr. Barajas had been working on a Feasibility Study Report (FSR) to upgrade the current database. He noted that finally the commission's database was Y2K compliant but staff would be requesting funding to upgrade the database with

major enhancements. At that point, Mr. Lynch asked Mr. Barajas if he could give an update on the database. Mr. Barajas stated that as Mr. Lynch mentioned he had been working on the FSR. He stated that this would be a lengthy process and he and staff had already started the process of creating a "wish list" of items to include as enhancements for the database. He added that once the database was fully upgraded with the new technology available it would have an effect on the maintenance fees for the web site because all the systems would be linked together so that all current information could be drawn directly from the database instead of continuous manual updating of information on the web site.

Following the FSR study, Mr. Barajas stated that staff would have to begin a Budget Change Proposal to request from the Department the expenditure of additional monies for the database. He informed the commission that an informal cost estimate of \$40,000 - \$70,000 would be required to upgrade the database. Since the database was now Y2K compliant, Mr. Barajas believes that this would reduce the cost estimate for the upgrades.

Mr. Lynch stated that there were several regulations that were at the Office of Administrative Law (OAL) for final approval. He added that once the regulations were approved by OAL they would be directed to the Secretary of the State's office where they would sit for 30 days then become law. He informed the commission that the changes were as follows:

- Rule 202, updates the commission's Los Angeles address;
- Rule 306, addresses the approved professional boxers' abdominal guard;
- Rule 370, written protest regarding the assignment of officials; and
- Rule 502, medical insurance for martial arts promotions.

Mr. Lynch informed the commission that he along with Mr. Plowman, Mr. Lohuis, and Mr. Paul Smith from the Martial Arts Advisory Committee had a meeting with Assemblyman Lowenthal's staff. The meeting was in regard to a certain illegal mixed martial arts promoter that claimed that the commission practiced selective enforcement in stopping his events.

Lastly, Mr. Lynch informed the commission that staff had been refunding pension contributions to qualified boxers. The qualifications included the following:

- The boxer did not vest;
- Had a break in service.

Mr. Lynch noted that boxers had until December 31, 1999 to request their pension refund. He informed the commission that the pension refund money was being withdrawn from the Surplus Money Investment Fund (SMIF) which was in the General Fund. He stated that the amount of monies in the SMIF account was once \$425,000 but the pension refunds had dwindled it down to \$38,000. He added that the commission's pension attorney, Kevin Long, advised staff to maintain a balance of \$125,000 in the SMIF account. With that advice, Mr. Lynch instructed staff to contact the commission's investment firm, First Union, to withdraw monies from the investment portfolio to add to the SMIF account. The investment portfolio with First Union currently has a balance of 3.2 million dollars.

7. USA BOXING, INC. - ORDER TO SHOW CAUSE - ACTION

Mr. Lynch informed the commission that at the December 10, 1999 commission meeting, staff briefed the commission on two major issues regarding amateur boxing in California. The two issues discussed were amateur boxers appearing on professional boxing cards and exactly who had jurisdiction over amateur boxing in California. At that meeting, Mr. Lynch stated that the commission instructed staff to impose an Order to Show Cause to

USA Boxing, Inc. to show cause as to why the commission should not revoke the authority of USA Boxing over amateur boxing in California. He added that staff was also directed to send a copy of the Order to Show Cause to the four California regions of USA Boxing (Northern, Central, Southern, and Border) so that they would also attend the hearing.

Mr. Lynch stated that he along with Ms. Scuri, Mr. Plowman, Mr. Gary Toney President of USA Boxing, and Mr. Paul Montville Vice-President of USA Boxing had a telephone conference to discuss the problems with amateur boxing in California. He stated that Messrs. Toney and Montville agreed to do an in-depth internal investigation upon the problems of amateur boxing in California and report back to the commission at the April commission meeting.

Mr. Joe Zanders, President of the Southern California Region of USA Boxing, Inc., informed the commission that he had been involved with amateur boxing for over 25 years and during his involvement as a member of USA Boxing he followed all the rules and regulations set by USA Boxing. He stated that he along with the other three regions of USA Boxing were not trying to challenge the authority of the commission they were just enforcing the rules and regulations of USA Boxing. He added that he was very elated to hear that the commission and Messrs. Toney and Montville had a meeting to discuss the problems of amateur boxing in California because some of the issues that were discussed were decisions made at a national level and the four regions of USA Boxing followed whatever decisions were made.

Mr. Zanders stated that during his tenure as president of the Southern California Region of USA Boxing he had helped work out problems internally with the Golden Gloves Associations and he stated that he still continues to work hand in and hand with them. Also, while serving on the Board of Directors of USA Boxing he stated that he helped the Local Boxing Clubs thrive in USA Boxing because he supported the needs of the clubs. In his opinion overall he felt that he had done a very good job as president of the Southern Region of USA Boxing.

Mr. Zanders expressed his concerns on the situation that had arisen at the Hollywood Park Casino. He stated that he and Mr. Lohuis had a long conversation prior to this event in regard to the commission's vs. USA Boxing's rules on amateurs appearing on professional cards. During this conversation, Mr. Zanders informed Mr. Lohuis of the procedures that needed to be followed per USA Boxing's rules such as the certification of officials, coaches, and boxers as well as the \$300 fee per bout that had to be complied with before USA Boxing would sanction that event. He added that the Southern region of USA Boxing was caught in the middle of a situation where they had to follow the rules of USA Boxing, Inc. Since the commission has full jurisdiction over amateur boxing in California, Mr. Zanders stated that the commission and Messrs. Toney and Montville have to work together to bring the rules in compliance with each other and to formally address the jurisdictional rights of amateur boxing in California.

Mr. Marty Denkin stated that he had worked with amateur boxing since 1954 and since USA Boxing had assumed the responsibility of amateur boxing they had done a great job. He stated that before USA Boxing became the national sanctioning body of amateur boxing, there was a situation that arose where some boxers in California did not want to be part of any national organization they just wanted to compete for fun. When those fighters won the golden gloves and advanced to another tournament, they were banned because they did not belong to the national organization at that time. He stated that a similar situation was starting to arise now because in California the commission could sanction amateur boxing as well as USA Boxing, Inc. He added that he felt if a person who was not licensed by either the commission or USA Boxing, Inc. and participated in an event then a fighter should be reprimanded but if that fighter was licensed by either of the two then he should be left alone. His main concern was USA Boxing superseded the authority of the commission.

Mr. Zanders stated that if he worked for the commission he would follow the rules and regulations of the commission but since he worked with USA Boxing, Inc. he followed their rules and regulations. He informed the

commission that USA Boxing was under the authority of the US Olympic Committee and USA Boxing could not deny a boxer a chance to compete but there would have to be some type of rules. He added that there has to be insurance, certification of boxers, coaches, and etc. before any bout would be approved through USA Boxing, Inc.

Mr. Sonny Marson, president of the Northern Region of USA Boxing, stated that when a person comes into a gym and wants to compete in boxing without being a part of USA Boxing then that person would not be insured. He informed the commission that if that person was to get hurt he/she could turn around and sue that gym because he/she was not insured. He stated that the commission currently does not offer any type of insurance for amateur boxers as well as the gyms housing the fighters. He added that he would not train any person that was not apart of USA Boxing because of the liability issues involved.

Mr. George del Junco spoke on behalf of All Events Unlimited. He expressed his concerns in regard to problems that he had dealing with USA Boxing in regard to having amateurs appearing on professional cards. He stated that he had a contract with the city of Maywood where he was to hold a professional boxing event utilizing two bouts of amateur boxing. He wrote a check in the amount of \$600 and sent it to Colorado Spring (Headquarters of USA Boxing, Inc.) for the two amateur bouts. He informed the commission that he promoted his event, sold tickets, and wrote out the contracts with fighters but a week before the event was to take place he received a threatening phone call from Mr. Zanders. In that conversation, Mr. del Junco stated that Mr. Zanders told him that if this event were to take place he would take him to court because USA Boxing did not sanction his event. Also, Mr. del Junco informed the commission that Mr. Zanders called the city manager of Maywood and informed him that Mr. del Junco's event was considered an illegal event since USA Boxing did not sanction it and resulted in Mr. del Junco losing his contract with the city of Maywood.

Mr. del Junco informed the commission of another situation involving USA Boxing. He stated that he was going to hold an event at the Hollywood Park Casino again trying to utilize amateurs on professional cards but Mr. Zanders of USA Boxing again sabotaged his event by threatening the amateur fighters and coaches. Mr. del Junco stated that all he was trying to do was showcase the upcoming fighters of California and to help the younger generation to keep the sport of boxing alive.

Commissioner Ducheny informed Mr. Zanders that the commission has full jurisdiction over amateur boxing in California and if there were to be any events in California it would have to be approved through the commission.

Mr. Zavala stated that he knew that the commission had full authority of amateur boxing but he asked if the commission was going to give USA Boxing part authority of amateur boxing or full authority. He added that there could not be two heads of amateur boxing in California.

The commission tabled this issue until the April commission meeting to await the outcome of the investigation by USA Boxing, Inc.

8. APPEAL OF RETIREMENT - ACTION

8.1 William Amato - Professional Boxer

This item was not addressed because Mr. Amato was not present.

8.2 James Brock - Professional Boxer

Mr. Lynch informed the commission that Mr. Brock was retired from professional boxing on February 3, 2000 by Mr. Lohuis due to Mr. Brock's lack of honest effort in his last four bouts. Mr. Lynch stated that Mr. Brock's

actions violated Commission Rule 283 – Ability to Perform, and Commission Rule 390, which details actions that were a detriment to boxing. He added that Mr. Brock's actions were certainly a detriment not only to his opponent but also to the fans that paid to watch an honest effort. As a result of Mr. Brock's actions, Mr. Lynch informed the commission that staff recommended that Mr. Brock stays retired from professional boxing.

Mr. Brock informed the commission that he liked to put on a show while participating in boxing events and he wanted to make it clear that he was not just out for the paycheck or to cheat the viewing public of an honest fight. He stated that he basically gave away the four fights in question because of certain circumstances that were going on in his private life. During the fights, he stated that he would fake like he was hurt to quickly end the fight to receive a paycheck. He apologized for his actions and asked that the commission give him another chance.

Mr. Lohuis stated that he did not doubt Mr. Brock's ability to fight because Mr. Brock handled himself well against a prospective fighter but Mr. Lohuis was concerned with Mr. Brock's actions and if he would continue to act out in the ring as he did in his past fights. During the February 3, 2000 bout, Mr. Lohuis stated that Mr. Denkin, referee of that fight, pulled Mr. Brock aside and warned him that he would not tolerate any misbehavior but once again Mr. Brock acted out.

Commissioner Novey asked Ms. Scuri what the difference was between retirement and suspension. Ms. Scuri stated that retirement meant that a fighter could not fight again and suspension meant that a fighter was suspended for a defined amount of time.

Commissioner Ducheny asked Mr. Brock how old he was. Mr. Brock informed Commissioner Ducheny that he was 22 years old. Commissioner Ducheny informed Mr. Brock that he was still young enough to pursue another career. Commissioner Ducheny stated that Mr. Brock had degraded boxing because of the actions that were displayed during his fights and he also hurt the integrity of other up and coming fighters that were serious of making a career in boxing.

Mr. Brock stated that Mr. Denkin and Mr. Lohuis did try to talk to him about his action but he continued to act out. He once again apologized for his actions and asked the commission for another chance. He stated that he was working two jobs to try to make ends meet and was not getting enough rest so he would take the fights to get extra money.

Mr. Denkin stated that he had been involved in all the four fights where Mr. Brock pretended to be hurt. At the first fight, Mr. Denkin stated that Mr. Brock screamed out in pain so he stopped the fight and called in the ringside physician to check Mr. Brock for injuries but no injuries were found. After finding no injuries, the ringside physician gave Mr. Brock the benefit of the doubt because he looked like he was in so much pain and the fight was ruled a TKO. During the third fight, Mr. Denkin stated that Mr. Brock fought a sub-par opponent where he once again tried to act out but the referee in that fight would not let Mr. Brock quit. In Mr. Denkin's opinion, Mr. Brock's third fight should have been ruled a "no-contest" fight and his purse withheld. Finally, in Mr. Brock's last fight, Mr. Denkin stated that Mr. Brock fought a prospective fighter and he held his own but in the third round he was starting to act out and the referee asked Mr. Brock if he wanted him to stop the fight and Mr. Brock told the referee to stop the fight so the fight was stopped.

Mr. Denkin recommended that the commission suspend Mr. Brock for a length of time so that he could learn from his mistakes. Also, Mr. Denkin pointed out that if the commission suspended Mr. Brock from boxing he could not fight in any other state. He added that if the commission retired him it would question Mr. Brock's ability as a fighter which if anyone screened him they would determine that he was fully capable to fight. Mr. Denkin stated that it was Mr. Brock's actions that got him reprimanded and not his ability.

Commissioner Novey asked Mr. Lohuis what he thought of Mr. Denkin's recommendation. Also, Commissioner Novey asked Mr. Lynch if the commission suspended Mr. Brock would he still be able to spar in a gym. Mr. Lynch informed Commissioner Novey that Mr. Brock would still be able to spar in a gym because the suspension would be a disciplinary suspension and not a medical or knockout suspension which states that a fighter could not have contact or training for a certain amount of time. Mr. Lohuis stated that he agreed with Mr. Denkin's recommendation that a suspension be imposed on Mr. Brock to teach him a lesson for his actions. When he first suspended Mr. Brock, Mr. Lohuis stated that he felt it was not in the best interest of boxing in California to have Mr. Brock intentionally acting hurt to stop a fight. He added that the final decision would have to be made by the commission as to whether a suspension or retirement would be a proper action for Mr. Brock.

Action: Motion by Commissioner Ducheny and seconded by Commissioner Novey to suspend Mr. Brock for the rest of this licensing year ending December 31, 2000.

Vote: Unanimous

9. REQUEST FOR LUMP SUM DISTRIBUTION OF PENSION BENEFITS - MEDICAL DISABILITY - ACTION

9.1 John Montes

Mr. Montes withdrew his request for lump sum distribution of pension benefits.

9.2 Zach Padilla

Pursuant to Business and Professions Code Section 18887 and Rule 406(d)(3), Mr. Padilla requested that the commission grant him a lump sum distribution of his pension benefits due to medical disability. Mr. Padilla was hospitalized in 1994 and diagnosed with a blood clot in his brain, which resulted in an aneurism. He was treated for his aneurism and was advised by Dr. Karns to retire from boxing, which he did. Pursuant to Rule 281(c), which states "No license shall be issued to any boxer who has suffered cerebral hemorrhage or any other serious head injury", Mr. Padilla could not be granted a license.

Action: Motion by Chairman Soto and seconded by Commissioner Novey to approve Mr. Padilla's request for lump sum distribution of pension benefits in the amount of \$3,052.

Vote: Unanimous

10. DISCIPLINARY HEARING - RULE 303 - USE OF DRUGS - ACTION

10.1 Greg Haugen - Professional Boxer

Mr. Lynch informed the commission that on December 17, 1999, Mr. Haugen participated in a 12 round World Boxing Federation title bout in San Rafael. He stated that staff suspended Mr. Haugen effective January 5, 2000 based upon his post-bout urine drug screen in which he tested positive for Amphetamine, Methamphetamines, and Cannabinoids. Although this was Mr. Haugen's first time testing positive for drugs in the state of California, Mr. Lynch stressed that he had tested positive in other states on more than one occasion. He noted that Commission Rule 303 states that the administration of any drugs, alcohol or stimulants, or injections in any part of the body, either before or during a match, to or by any boxer is prohibited. He added that the match was considered a split draw with Mr. Haugen retaining the title but since he tested positive for drug use the decision was changed to a "no decision" bout.

Mr. Lynch stated that staff recommended that he be fined the amount of \$2,500, which is the maximum amount the commission could fine a person, and suspend Mr. Haugen for one year effective January 5, 2000. If Mr. Haugen is granted a license after his suspension, Mr. Lynch suggested that the commission could have Mr. Haugen submit to voluntary random drug testing.

Commissioner Ducheny felt that the commission should retire Mr. Haugen so that he would no longer be a detriment to boxing in California. He stated that if the commission suspended him, Mr. Haugen could receive a license after his suspension and might continue to be a problem for the commission. He added that a retirement would relieve the commission of any future problems with Mr. Haugen and Mr. Haugen could still qualify to be licensed in other states.

Commissioner Novey asked legal counsel if the commission could comply with Commissioner Ducheny's recommendation. Ms. Scuri informed Commissioner Novey that the commission could retire Mr. Haugen but Mr. Haugen could appear before the commission yearly to request that he be removed from retirement, which then the commission could always deny his request.

Action: Motion by Commissioner Ducheny and seconded by Commissioner Novey to retire Mr. Haugen from professional boxing in California and also impose a fine of \$2,500 for testing positive for narcotics.

Vote: Unanimous

11. RULE 282 - VISION REQUIREMENT - INFORMATION

Mr. Lynch requested that this item be tabled until the next commission meeting so that more information could be received from the Medical Advisory Committee in regard to the use of soft contact lenses while competing in boxing or martial arts.

12. PROPOSED REGULATIONS - ARBITRATION HEARINGS - FEMALE BOXERS - INFORMATION/ACTION

Ms. Church informed the commission that currently commission policy required that boxer/manager contract disputes be settled by commission arbitration. She stated that 90% of boxers who requested arbitration with a manager were not required to be licensed; however, all managers were required to be licensed to participate in the arbitration process. She asked for the commission's guidance with this issue as to:

- Would the commission like this issue reviewed and assessed by the arbitration committee prior to the staff drafting regulatory language or
- Would the commission like staff to propose draft regulatory language in reference to the arbitration process?

Ms. Scuri suggested that she along with the commission's arbitration committee and Mr. Lohuis review the arbitration process and report back to the commission with its suggestions and/or regulatory language.

This item was tabled until the next commission meeting.

13. ROBERT KARNS, M.D. VS CALIFORNIA STATE ATHLETIC COMMISSION - INFORMATION

Mr. Lynch updated the commission on the lawsuit filed by Dr. Robert Karns. He stated that finally the lawsuit

was put to rest with the commission facing no liability. He added that Dr. Karns filed suit against the commission because the commission removed his name from the list of certified physicians and the commission also stopped accepting any physical examinations performed by him on licensee applicants. Mr. Lynch informed the commission that Dr. Karns' time limit for appeal had passed, Dr. Karns had reimbursed the Department of Justice \$2,153 for payment of defendant's costs, and the Department of Justice planned to close the file on this effective February 26, 2000.

14. UNITED STATES SATELLITE BROADCAST LAWSUIT - DEFICIENCY REQUEST - INFORMATION

Mr. Lynch informed the commission that the commission's budget could not absorb the \$152,500 that USSB won for attorney fees in regard to the lawsuit that was filed regarding the commission's authority to collect taxes on pay-per-view boxing events. He stated that staff had prepared a deficiency request and submitted it to the Department of Consumers Affairs for approval. He added that the Department of Consumers Affairs approved the deficiency request and forwarded it to the Department of Finance for final approval. He stated that staff would check with Finance on a weekly basis to check the status of the deficiency request.

15. REGULATION HEARING - ACTION

15.1 Rule 354 - Warning

Ms. Church stated that at the December 10, 1999 meeting, the commission approved the draft regulations on Rule 354 – Warning option 1 and 2 to go forth through the regulatory process. She informed the commission that today's meeting would be a public hearing to accept comments from the public in regard to the draft regulations. She added that as of February 9, 2000 staff had not received any comments from the public.

The two options read as follows:

Option 1

Before the beginning and ending of each round, the timekeeper shall give warning to the seconds of the contestants and to the referee by suitable signal and in a time frame approved the commission. No second shall be in contact with the ring apron prior to the sounding of the bell ending the round.

Option 2

Before the beginning and ending of each round, the timekeeper shall give warning to the seconds of the contestants and to the referee by suitable signal and in a time frame approved by the commission. The commission shall establish a warning time that, based on its experience, will provide sufficient warning both to the seconds and to the referee, but which shall not exceed ten seconds. No second shall be in contact with the ring apron prior to the sounding of the bell ending the round.

Ms. Scuri stated that these two options were created because the commission wanted to test a five-second warning time but the existing rule required that there be a warning time of 10-seconds. She added that with this rule change it would give the commission the flexibility to try out the five-second warning time.

Mr. Denkin stated that he originally brought this proposed five-second warning time to the commission because he felt that a ten second warning was too long. He informed the commission that it only took one to two seconds for the referee to step into place to stop a round and with the left over eight seconds it caused the referee to

interfere with the fight, the seconds coming in contact with the ring apron before the bell, and fighters hitting after the bell. He added that he just wanted to test the five-second warning to see if there would be a drop in incidences such as the problems listed.

Dr. Paul Wallace stated that medically he was concerned with the ten-second warning. He informed the commission that he had collected information in California and concluded that deaths and neurological injuries happened after the eighth round. He added that one problem with the ten second warning was most fighters become more aggressive during the last ten seconds of a round while at the same time other fighters start to shut down. He recommended that the five-second warning would help protect the health and safety of the fighters.

Ms. Debbie Garcia stated that no matter what the warning changed to she wanted to know if the audible warning would stay the same (for example: Timekeeper says "Seconds Out" during the rest period before starting the next round). Ms. Scuri stated that Rule 354 did not address what a timekeeper was going to say.

Commissioner Novey stated that a ten-second warning before the beginning of a bout was not needed. He agreed with the five-second warning to stop a fight because it was a deterrent against fouls that might occur. He asked Ms. Scuri where legally did the commission stand if the commission wanted to try the five-second warning. Ms. Scuri informed Commissioner Novey that the rule would have to be changed for the commission to try the five-second warning.

Commissioner Ducheny suggested that the commission leave the ten second warning for the beginning of the round and leave it up to the discretion of the commission for whatever time limit the commission sees fit for the ending of the round. Ms. Scuri asked if Option 2 would be fine but with inclusion of the ten second warning at the beginning of the round. Commission Ducheny said yes.

Commissioner Ducheny asked Ms. Scuri to read the amended version of Rule 354:

Rule 354 (amended version)

Ten seconds before the beginning of each round, the timekeeper shall give warning to the seconds of the contestants and to the referee by suitable signal. Before the ending of each round, the timekeeper shall give warning to the seconds of the contestants and to the referee by suitable signal and in a time frame approved by the commission. The commission shall establish a warning time that, based on its experience, will provide sufficient warning both to the seconds and to the referee, but which shall not exceed ten seconds. No second shall be in contact with the ring apron prior to the sounding of the bell ending the round.

Action: Motion by Commissioner Ducheny and seconded by Commissioner Novey to delegate to the executive officer the authority to adopt the amended version of Rule 354 after the expiration of the 15 day comment period if there are no adverse comments received.

Vote: Unanimous

15.2 Rules 518 through 518.16 - Mixed Martial Arts

Ms. Church stated that at the December 10, 1999 meeting, the commission approved the draft regulations for mixed martial arts with some amendments. She informed the commission that today's meeting would be a public hearing to accept comments from the public in regard to the draft regulations.

Vice-Chairman Soto informed the attendees that there would be a limit of five minutes per person for public

comment. Mr. Lynch asked that all persons interested in addressing the commission write their name and organization on a sign-up sheet that Ms. Church provided.

At that point, Ms. Scuri stated that the rulemaking process was a formal process that is governed by a set of statutes. This process entailed a notice of a comment period to give the public opportunity to address the regulations by oral or written comment. She informed the commission that at the end of the public comment period the commission would have the opportunity to discuss the proposed amendments given by the public and make their judgement based upon the following six criteria:

- Necessity. Evidence and/or facts to support the proposed change or amendment;
- Authority. Does the commission have the statutory authority to make the change or amendment;
- Clarity. Is the rule clear so that those that are affected understand the proposed change or amendment;
- Consistency. Is it consistent with a different statute;
- Non duplication. Does the proposed change or amendment duplicate another regulation or statute; and,
- Reference. What section is a law-instating instrument.

Ms. Scuri asked that the persons interested in making public comment tell the commission what should be changed and why and if a person agreed with a previous speaker's statement it would be helpful to just indicate the agreement on record instead of repeating everything that was said. Also, she asked that each person identifies his/her self for the record and if they represented an organization or themselves.

Ms. Scuri informed the commission that staff had received numerous comments regarding the regulations and she would go over each one when the public comments concluded. She informed the attendees that this forum was a hearing and not a debate and if there was a question, comment, or change that was unclear to let the commission know so that clarity could be made. She stated that this was a time to comment on just the regulations and how to change them.

Jeff Blatnick of the Ultimate Fighting Championship (UFC) made the following comments:

- **“State Athletic Commission Initial Statement of Reasons” under the “Factual Basis” mixed martial arts was described as a full contact “blood sport”.** Mr. Blatnick asked that the commission delete “blood sport” because this type of language gave a misrepresentation of mixed martial arts. He stated that the definition of “blood sport” was a fight to the death which obviously mixed martial arts was not and as a result of this type of language, mixed martial arts had suffered greatly.
- **Article 2, Rule 518.4, Weights and Classes** – Mr. Blatnick stated that both male and female weight classes were listed but it did not specify if a male vs. female match could occur. He asked for clarity.
- **Article 2, Rule 518.5, Rounds; Number; Length; Rest Period** – Mr. Blatnick stated that in the UFC and in similar promotions of mixed martial arts their rounds system slightly varied but still resulted in approximately the same fighting time as the drafted regulations. He suggested that the commission use UFC's time limits of three (3) five (5) minute rounds for a non-championship match and five (5) five (5) minute rounds for a championship match with a one (1) minute rest period between rounds for both non-championship and championship matches. He stated that during longer rounds there would be problems judging because it would be hard for a judge to determine the beginning of a round versus the ending of a round and also this format would allow greater supervision by the fighter's corner, the referee, and the ringside physician. He felt that this format was safe for both disciplines of striking and grappling.
- **Article 2, Rule 518.7, Fighters' Equipment** – Mr. Blatnick stated that the UFC proposed that no padding be added to any striking surface of the body. He added that when a fighter strikes using punches, elbows, knees, or kicks it would be considered as a skill in mixed martial arts but when padding is added to a striking surface it would be consider more as a weapon. The rationale is that the padding does not protect the

opponent from the impact of the blow rather the padding protects the striking surface of the fighter throwing the strike which would allow the fighter to strike more often. Also, he addressed the abdominal guard. He asked that the commission clarify exactly what type of abdominal guard would be used. The UFC requires that all fighters wear two pairs of trunks just in case one is pulled off, a steel cup athletic supporter, and a mouthpiece. Any type of abdominal guard that used a belt or any other equipment that gave an opponent a handle concerned him because it would be used as a grappling tool that would make an unfair match. In some cases, he stated that fighters chose to wear gees in which grabbing the clothing is allowed.

- **Article 2, Rule 518.8, Gloves – Weight** – Mr. Blatnick stated that the UFC had been using finger less gloves because UFC believed that it was a fair compromise between boxing gloves and bare knuckles and it allowed the use of hands for grappling techniques. He felt that adding anymore padding to the gloves, as he referenced before, would allow more striking. Also, he wanted clarity in regard to two contestants that differ in weight classes competing against each other. He stated that the way this rule was written it seemed that fighters could move throughout weight classes so as long as they wear the gloves of the higher weight class.
- **Article 3, Rule 518.9, Fouls in Full-Contact Mixed Martial Arts and Penalties** – **(a)(6) Point of elbow strikes** – He informed the commission that the UFC allowed the use of point of elbow strikes anywhere except to the back of the head and neck. He proposed this regulation be amended. **(a)(7) Use of knees above the shoulder** - Mr. Blatnick proposed that the commission allow the use of knees to the head but not to the groin, as in UFC. He stated that currently there were martial arts organizations that were staging events that allowed knees to the head, which are legal for these forms of martial arts in California. **(a)(8) Strikes to the spine** – He requested that the commission define the zone in which the strikes to the spine apply. In the UFC, strikes to spine are not allowed from the neck up. **(a)(10) Kidney strikes** – He informed the commission that due to the position of the fighters, an unintentional strike to the kidney might occur during a match. In the UFC, kidney strikes are only prohibited when on the ground. He felt that this foul applied more for boxing due to the boxers being able to get clean shots to the kidneys while in clinches. **(a)(11) Palm heel strikes to front of face** - He wanted clarity as to why palm heel strikes to the front of the face were fouls but a punch to the face was allowed. **(a)(14) Attaching or obstructing the trachea** – He asked that the commission define and clarify this foul. He asked if this meant no punching to the trachea and/or no fingers in the trachea. In the UFC, throat strikes of any kind are not allowed. **(a)(16) Kicking head of down fighter** - He wanted more clarity on this foul. He asked if a fighter could kick his opponent who is down anywhere other than the head. He stated for the record that UFC does not allow any kicking of an opponent once he is down. **(a)(19) Hitting below the hipline** - He asked that there be clarity on this foul. He stated that the way this foul was written prohibited a leg kick, which he considered essential to mixed martial arts.
- **Article 3, Rule 518.11, Unintentional Fouling** – He asked that this Rule be deleted. In the UFC, there are no unintentional fouls it is either a foul or not a foul. He stated that incidental head-butts happen among all grappling sports but not in boxing. He felt that this Rule was meant more for boxing and not for mixed martial arts because grappling was included.
- **“Cost Impact on Private Persons or Entities”** – He asked for clarity on the amount of monies that the commission is proposing to charge for each mixed martial arts event. He wanted to know if it would be \$1,000 per each individual bout or would it be \$1,000 per event and also would there be a cap.

Mr. Blatnick stated that the UFC allowed fighters to use all techniques within a given safety limit. He asked the commission if a technique is legal in an individual martial art then why when combined with other legal martial arts techniques made mixed martial arts illegal.

Mr. Roy Englebrecht, professional boxing promoter, asked the commission if once approved would the mixed martial arts promoters pay into the pension plan. Mr. Lynch informed Mr. Englebrecht that the pension plan was only for professional boxers and the mixed martial arts promoters would not pay into the plan. Mr. Englebrecht

felt that mixed martial arts should not be legal in the state of California until the commission requires them to pay into the pension. Mr. Lynch stated that the participants in mixed martial arts were not eligible for pension benefits. Mr. Englebrecht did not feel that this was a fair practice.

Ron Bryant of the International Freestyle Fighting Federation (IFFF) stated that his federation travels throughout the world competing in events. Most of his fights are held in Colorado where they use “Vale Tudo Rules” which means anything goes except no biting or gouging but in the state of California the rules would be more restrictive. He stated that since the laws would be more restrictive in this state his federation would not hold big championship venues here but they would hold smaller “qualifying matches” to qualify people for the championship matches in Colorado. Vice-Chairman Soto stated that Colorado does not have a commission. Mr. Bryant said that was correct but the IFFF received approval to hold their matches by the Attorney General of Colorado using the Vale Tudo Rules. Mr. Plowman asked if Vale Tudo meant, “anything goes”. Mr. Bryant said yes, but out of all the fights he had attended there were no severe injuries because once a fighter was overpowered the referee would stop the fight.

Mr. Bryant wanted clarity on **Article 3, Rule 518.9, Fouls in Full-Contact Mixed Martial Arts and Penalties, (a)(17) Pulling or holding uniform below hipline.** He stated that there were a lot of holds that would be used if a fighter chose to wear a gee while participating in mixed martial arts. He wanted to know if there was a specific area where holding is not permitted. The rest of his concerns were addressed by Mr. Blatnick’s comments.

Gene Leibel represented mixed martial arts as a whole. He stated that he has held boxing and wrestling licenses in the state of California since 1955 as well as competing and coaching judo for many years. He informed the commission that the use of chokeholds in mixed martial arts was a choke where the flow of blood is slowed down to the brain causing unconsciousness or submission. He added that this choke was not administered to the front of the neck or the trachea but to the side of the neck. He asked if the commission had any questions for him regarding mixed martial arts. The commission did not have any questions for him. He stated that chokes were safe and legal in all AAU events.

Santos Flaniken represented the United States Martial Arts Association. He stated that he had practiced with Mr. Leibel for over 25 years as a wrestler, grappler, Jiu-jitsu stylist, and a judo master. He informed the commission that mixed martial arts had developed a new breed of athlete and the use of the term “No-holds barred fighting” gave these athletes a bad name. He explained that mixed martial arts were a refinement of different forms of athletics that created a sport that has taken off over the past few years. He added that the participants have trained in all types of different fighting styles that created a very technical and healthy lifestyle.

Mr. Marty Denkin was concerned with the matchmaking of participants for these events. Since this would be a new sport for California, he wanted to know how the commission would regulate the proper matches and not the mismatch that the commission tries to stop in boxing. Mr. Bryant stated that he along with the commission, and other mixed martial arts organizations could compose a list of rankings for fighters. Since each association keeps accurate records of fighters, Mr. Bryant stated that this list would be sufficient enough for matchmaking.

Terry from the King of the Cage stated that in the beginning, when he first joined the show, the commission’s concerns were an issue because when mixed martial arts first started a person did not know how to react with a sixth degree black belt of one style of martial art against a three year fighter who hadn’t even earned black belt status. In the practical sense, the fighter with the three-year experience ended up dominating the more experienced fighter. He stated that all of the labels and credentials, in the beginning, were difficult to understand but seven years later there is a better basis of looking at fighters of mixed martial arts because it was not just one skill it is a combination of skills. He added that a fighter takes what he learned from all forms of martial arts and

creates his own style. He felt that it is a much easier job to match up fighters now because mixed martial arts has spread throughout the world with associations that track and keep records of fighters that compete around the world.

Since there were a lot of comments received at this meeting both oral and written, Ms. Scuri suggested that the commission could either address the comments at that meeting or set it for the next commission meeting to give the commission enough time to sort through the comments. Mr. Lynch asked Ms. Scuri if the commission and the Martial Arts Advisory Committee could meet and sort through the comments on the draft regulations. Ms. Scuri informed Mr. Lynch that the commission could but the meeting would have to be open to the public.

Mr. Plowman wanted to make it clear to all persons involved with mixed martial arts that the rules that the commission's Martial Arts Advisory Committee created would cover all forms of submission fighting/mixed martial arts. He stated that all comments that were not made at this meeting could be sent in writing to the commission's office. He added that all persons interested in receiving information on mixed martial arts should ask to be placed on the commission's mailing list.

Commissioner Novey was concerned with the use of chokeholds. He stated that during his career as a correctional officer chokeholds were used to detain subjects. As a result of the chokeholds, some subjects were rendered unconscious and the officers would have to check the unconscious subject's tongue to determine if he/she were okay. Since the use of certain chokeholds resulted in injuries and/or fatalities throughout law enforcement agencies, he stated that law enforcement agencies had to move backwards to reduce incidences.

Commissioner Novey also commented on the importance of weight classes. He felt that the weight of fighters were very important when matchmaking a bout to ensure that the match is even and competitive.

Mr. Leibel commented on Commissioner Novey's remarks on the use of chokeholds. He stated that officers check the tongue of unconscious subjects to make sure that he/she does not swallow it. He added that the reason why there had been injuries and/or fatalities while administering chokeholds was due to the lack of training. He informed the commission that law enforcement used a bar arm choke. If the bar arm choke was applied to the side of the larynx it would give to the pressure but if the force was administered directly on the larynx it would be crushed because the front part of the larynx does not give.

Commissioner Ducheny asked how would the commission regulate matchmaking of bouts if the commission would have to depend on help from the many different mixed martial arts organizations in regard to fighters' records. He said that this would set the commission up for potential problems and he would like to have this situation sorted out at the next meeting.

Action: Motion by Chairman Soto and seconded by Commissioner Novey to set a meeting with the commissioners and the Martial Arts Advisory Committee before the April 28, 2000 meeting to discuss the comments on the draft regulations for mixed martial arts.

Vote: Unanimous

16. COMMITTEE REPORTS - COMMITTEE APPOINTMENTS - INFORMATION/ACTION

16.1 Arbitration Committee Report

Mr. Plowman informed the commission that he had given Mr. Lynch a decision regarding one arbitration and there were more two hearings scheduled for February.

Chairman Soto asked that staff notify all commissioners of scheduled arbitration hearings so that the commission

may attend these hearings if they chose to.

16.2 Pension Plan Review Committee Report

This item was addressed in agenda item 6.

16.3 Medical and Safety Standards Advisory Committee Report

This item was addressed in agenda item 15.

16.3.1 Mixed Martial Arts - Chokeholds

This item was tabled until the next commission meeting regarding Mixed Martial Arts.

16.4 Legislative Committee Report

There was nothing to report.

16.5 Officials' Committee Report

Mr. Lynch was given a report to read by Vice-Chairman Costa. In that report, Vice-Chairman Costa stated that many of the new officials as well as the veteran officials were lacking the mechanics of how to deal with kidney punches and rabbit punches as per the Referee Evaluations. He noted that the referee should call time-out and warn the boxers if any of these two serious fouls were administered during a fight. Also, he stated that the referees needed to make sure that the boxers touch gloves when they come out for the last round of a bout. He added that the new officials be informed of these concerns and practice their ring mechanics.

16.6 Amateur Boxing Committee Report

This was addressed in agenda item 7.

Following are the appointments made by the commission to the Committees:

- **Arbitration Committee – The commission will make a decision on this at a later date.**
- **Pension Plan Review Committee – Commissioner Kim and Commissioner Ducheny**
- **Medical and Safety Standards Advisory Committee – Chairman Soto**
- **Martial Arts Advisory Committee – Vice-Chairman Costa and Commissioner Kim**
- **Legislative Committee – Commissioner Novey and Commissioner Ducheny**
- **Officials' Committee – Chairman Soto and Vice-Chairman Costa**
- **Amateur Boxing Committee – Chairman Soto and Commissioner Novey**

17. AGENDA ITEMS FOR FUTURE MEETINGS

Mr. Pat Russell, president of the California Referees' Association, requested that the commission set the following two items for an upcoming commission meeting: paid compliance procedure and status of the California Referees' Association with the commission. Ms. Scuri asked Mr. Russell what he meant by "paid compliance procedures". Mr. Russell stated that the commission had a pay schedule for the officials but there were times when facts and figures did not always add up to what the pay schedule shows for payment of officials. Mr. Russell added that this might be resolved by an in house policy that could probably be cleared up at staff level.

Ms. Scuri asked Mr. Russell to put something in writing and send it to Mr. Lynch so that this problem may be worked out.

Dr. Wallace made the following recommendations for upcoming meetings:

- The executive officer, a commissioner, and a physician attend medical meetings around the country in regard to sport medicine;
- The state of California versus the Association of Boxing Committees compliance and the Federal Boxing Act relating to medical issues;
- A discussion regarding a formal process to investigate deaths in the ring for medical issues;
- Ringside Physician liability in California vs. the Association of Boxing Commission; and
- Medical research to keep up with other states.

Mr. Lynch informed Dr. Wallace that out of state travel was limited for the commission so he told Dr. Wallace that his first concern would have to be removed from the future meeting list. Ms. Scuri asked that Dr. Wallace send a letter to staff clarifying his recommendations.

18. COMMISSIONERS' COMMENTS AND/OR RECOMMENDATIONS

Chairman Soto wanted to recognize Promoter Don Chargin for being added as one of Time Life Magazine's best promoters of the millenium.

19. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Mr. Denkin expressed his concerns with the issue of the Toughman Competition being held in the state of California on Indian Reservations. He suggested that if these events do take place that the commission officials be allowed to officiate them to ensure the health and safety of the competitors of these events. He asked if the commission had any problems with his suggestion. Although there were no direct answer to Mr. Denkin's suggestion, Ms. Scuri and Mr. Plowman stated that it would not be good idea to allow the commission's officials to work these fights.

The draft minutes were prepared by:

FRANK MUNOZ

DATE

The final minutes were prepared by:

FRANK MUNOZ

DATE